



# *COMMONWEALTH of VIRGINIA*

## *DEPARTMENT OF ENVIRONMENTAL QUALITY*

### PIEDMONT REGIONAL OFFICE

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Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director

James J. Golden  
Regional Director

## **STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO Doswell Limited Partnership Registration No. 51018**

### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Doswell Limited Partnership for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and regulations.

### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Doswell" means Doswell Limited Partnership, a limited partnership and its affiliates, partners, and subsidiaries. Doswell is a "person" within the meaning of Va. Code § 10.1-1300.
5. "Facility" means Doswell's electric generating facility located at 10098 Old Ridge Road, Doswell, Virginia.

6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
7. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
8. "PCE" means a partial compliance evaluation by DEQ staff.
9. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
10. "Permit" means the Prevention of Significant Deterioration permit to operate an electric generating facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to Doswell on October 4, 2016 and last amended on July 30, 2018.
11. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
12. "Va. Code" means the Code of Virginia (1950), as amended.
13. "VAC" means the Virginia Administrative Code.
14. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

#### **SECTION C: Findings of Fact and Conclusions of Law**

1. Doswell owns and operates the Facility in County of Hanover, Virginia. The Facility produces electricity for use on the open market.
2. The Facility is the subject of the Permit, which allows the operation of the Facility.
3. On July 3, 2018, DEQ staff received a copy of multiple stack test reports performed between May 1-2, and May 21-22, 2018 on two newly installed combustion turbines. These reports included testing on the combustion turbine identified as CT-2 (this is unit 91 in the Permit) for the measurement of volatile organic compounds (VOC). DEQ staff performed a PCE of the report and noted the following factual observations:
  - a. During the May 1, 2018 testing event, VOC emissions from CT-2 were measured as 4.24 pounds per hour.
  - b. During the May 21, 2018 testing event, VOC emissions from CT-2 were measured as 0.23 pounds per hour.
4. Permit condition 13 states, "Short Term Emission Limits: Turbine Generators - Short-term emission limits from the normal operation of each of simple cycle combustion turbines (ref. no. 82, 91 and 101) shall not exceed the limits specified below. The SO<sub>2</sub>,

PM, PM-10 and PM 2.5 and VOC emission limits of this condition apply at all times including startup and shutdown....

Volatile Organic Compounds	2ppmvd (@ 15% O2	3.3 lbs/hr
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(9VAC 5-50-260, 9 VAC 5-80-1180, 9 VAC 5-50-280, and 9 VAC 5-80-1705)”

5. On October 12, 2018, DEQ issued Notice of Violation No. APRO001021-001 to Doswell for the violations noted in paragraphs C.3. through C.4. Based on the May 21, 2018 stack test results showing compliance with VOC emission limits for CT-2, no additional corrective actions are necessary.
6. On October 24, 2018, DEQ staff met with representatives of Doswell to discuss the violation and the corrective actions taken to resolve it.
7. Va. Code §10.1-1322 states that failure to meet conditions of a permit is considered a violation of the Virginia Air Pollution Control Law.
8. 9VAC5-80-260 and 9VAC5-80-1210(I) require compliance with all terms and conditions of Title V operating permits and permits for stationary sources respectively.
9. Based on the results of the above mentioned PCE, meetings and submitted documentation, the Board concludes that Doswell has violated condition 13 of the Permit, Va. Code § 10.1-1322 and 9VAC5-80-260 and -1210 of the Virginia Air Pollution Control Law and Regulations as described above.

## **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Doswell, and Doswell agrees to pay a civil charge of \$14,212.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Doswell shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Doswell shall be liable for attorneys' fees of 30% of the amount outstanding.

## **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend this Order with the consent of Doswell for good cause shown by Doswell, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Doswell admits to the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact, and conclusions of law in this Order.
4. Doswell consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Doswell declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Doswell to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority. Doswell does not waive any rights or objections it may have in any enforcement action by other federal, state, or local authorities arising out of the same or similar facts to those recited in this Order.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Doswell shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Doswell shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Doswell shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are

occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Doswell. Nevertheless, Doswell agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after Doswell has completed all of the requirements of the Order;
  - b. Doswell petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Doswell.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Doswell from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Doswell and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

13. The undersigned representative of Doswell certifies that he or she is a responsible official or officer authorized to enter into the terms and conditions of this Order and to execute and legally bind Doswell to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Doswell.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, Doswell voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 8<sup>TH</sup> day of JANUARY, 2019, KW

  
James J. Golden, Regional Director  
Department of Environmental Quality

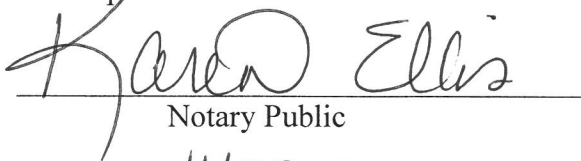
Doswell Limited Partnership voluntarily agrees to the issuance of this Order.

Date: 1/7/2019 By: Jim Smith, Facility Manager  
(Person) (Title)  
Doswell Limited Partnership

Commonwealth of Virginia

City/County of HANOVER

The foregoing document was signed and acknowledged before me this 7<sup>th</sup> day of  
JANUARY, 2019, by \_\_\_\_\_, Partner, on behalf  
of Doswell Limited Partnership, a partnership.

  
Notary Public  
145376  
Registration No.

My commission expires: 5/31/2022

Notary seal: